

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

ENERGY TRANSFER EQUITY, L.P., and	)	Case No. 17-cv-00173-DLH-CSM
ENERGY TRANSFER PARTNERS, L.P.,)	
)	
Plaintiffs,	)	American Civil Liberties Union,
	)	American Civil Liberties Union of
v.	)	North Dakota, American Civil
	)	Liberties Union of South Dakota,
GREENPEACE INTERNATIONAL (aka	)	Natural Resources Defense Council,
“STICHTING GREENPEACE COUNCIL”);	)	ARTICLE 19, Brennan Center for
GREENPEACE, INC.; GREENPEACE FUND,	)	Justice, First Amendment Coalition,
INC.; BANKTRACK (aka “STICHTING	)	and Rockefeller Brothers Fund’s
BANKTRACK”); EARTH FIRST!; and JOHN	)	Motion for Leave to File an Amicus
AND JANE DOES 1-20,	)	Curiae Brief in support of
	)	Defendants’ Motion to Dismiss
Defendants.)	
)	

Pursuant to District of North Dakota Rule 7.1(G), the American Civil Liberties Union (ACLU), the ACLU of North Dakota, the ACLU of South Dakota, the Natural Resources Defense Council, ARTICLE 19, the Brennan Center for Justice, the First Amendment Coalition, and the Rockefeller Brothers Fund (Amici) respectfully submit this Motion for Leave to File an Amicus Curiae Brief in Support of Defendants Greenpeace International, Greenpeace, Inc., Greenpeace Fund, Inc., and BankTrack's November 28, 2017, Motions to Dismiss Plaintiffs' complaint. ECF Nos. 37, 38, 40. The proposed Amicus Curiae Brief is attached as Exhibit 1.

Defendants Greenpeace International, Greenpeace, Inc., Greenpeace Fund, Inc., and BankTrack consent to this motion. Plaintiffs Energy Transfer Equity, L.P. and Energy Transfer Partners, L.P. do not consent.

Amici are nonprofit groups that often advocate on issues of public concern. They have a strong interest in the fundamental First Amendment freedoms to speak and associate. Like many charities, Amici depend on financial contributions to survive.

Amici's proposed brief may assist the Court in adjudicating Defendants' motions by pointing out the broader impact Plaintiffs' liability theories would have on the vitality of nonprofit advocacy. For reasons detailed in the proposed brief, Amici believe that Plaintiffs' legal theories threaten the rights to speak and associate freely. As a result, they urge careful scrutiny of the merits of Plaintiffs' allegations at the pleading stage, and dismissal of the complaint, to protect fundamental First Amendment freedoms, not only for these Defendants but for all nonprofit advocacy groups. The Court may wish to weigh these factors in considering the pending motions to dismiss. *See* D.N.D. Civ. L. R. 7.1(G)(1).

Amici respectfully request that this Court grant their motion to file the attached Amicus Curiae Brief.

Dated: December 5, 2017

Respectfully submitted,

/s/ Daniel N. Carpenter-Gold
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